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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

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14 UNITED STATES OF AMERICA,) No. CR 07-00598 JF
15 Plaintiff,) STIPULATION AND [PROPOSED]
16 v.) ORDER EXCLUDING TIME FROM
17 EVERARDO VALENZUELA-RUIZ,) MARCH 26, 2008 TO APRIL 2, 2008
18 Defendant.) FROM THE SPEEDY TRIAL ACT
19 _____) CALCULATION (18 U.S.C. §
3161(h)(8)(A))

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21 The parties stipulate that the time between March 26, 2008 and April 2, 2008 is excluded
22 under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to grant the requested
23 continuance would unreasonably deny defense counsel reasonable time necessary for effective
24 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the
25 ends of justice served by granting the requested continuance outweigh the best interest of the
26 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

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1 18 U.S.C. § 3161(h)(8)(A).

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3 DATED: March 26, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

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/s/
BENJAMIN T. KENNEDY
Assistant United States Attorney

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/s/
MANUEL ARAUJO
Assistant Federal Public Defender

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between March 26, 2008 and April 2, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

**JEREMY FOGEL
UNITED STATES DISTRICT JUDGE**